

KAZEROUNI LAW GROUP, APC
Abbas Kazerounian, Esq. (SBN: 249203)
ak@kazlg.com
Pamela E. Prescott, Esq. (SBN: 328243)
pamela@kazlg.com
245 Fischer Avenue, Suite D1
Costa Mesa, CA 92626
Telephone: (800) 400-6808
Facsimile: (800) 520-5523

Attorneys for Plaintiff,
Sharon Allen

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

**SHARON ALLEN, Individually
and On Behalf of All Others
Similarly Situated,**

Plaintiff,

v.

MIELLE ORGANICS, LLC,

Defendant.

Case No.:

**CLASS ACTION SEEKING
STATEWIDE RELIEF**

**COMPLAINT FOR VIOLATIONS
OF:**

- 1) CALIFORNIA CONSUMER
LEGAL REMEDIES ACT
("CLRA"), CAL. CIV. CODE §§
1750, *ET SEQ.*;**
- 2) CALIFORNIA'S UNFAIR
COMPETITION LAW ("UCL"),
CAL. BUS. & PROF. CODE §§
17200, *ET SEQ.*;**
- 3) CALIFORNIA'S FALSE
ADVERTISING LAW ("FAL"),
CAL. BUS. & PROF. CODE §§
17500, *ET SEQ.*;**
- 4) BREACH OF EXPRESS
WARRANTY;**
- 5) UNJUST ENRICHMENT;**
- 6) NEGLIGENT
MISREPRESENTATION; AND,**
- 7) INTENTIONAL
MISREPRESENTATION.**

JURY TRIAL DEMANDED

INTRODUCTION

1. Plaintiff SHARON ALLEN (“Plaintiff”), individually and on behalf of all others similarly situated, brings this Class Action Complaint for damages, injunctive relief, and any other available legal or equitable remedies, resulting from the illegal actions of defendant MIELLE ORGANICS, LLC (“Defendant” or “Mielle”) concerning unlawful labeling and advertising of Defendant’s consumer goods in violation of federal and California laws.

2. The unlawfully represented products are sold direct to consumers on Mielle’s website (<https://mielleorganics.com/>), as well as through third-party retailers such as Amazon.com (“Amazon”), Walgreens, ULTA, Nordstrom Rack, CVS and elsewhere.

3. Plaintiff alleges as follows upon personal knowledge as to herself and her own acts and experiences, and as to all other matters, upon information and belief, including investigation conducted by his attorneys.

4. As stated by the California Supreme Court in *Kwikset v. Superior Court*, 51 Cal. 4th 310, 328-29 (2011):

Simply stated: labels matter. The marketing industry is based on the premise that labels matter, that consumers will choose one product over another similar product based on its label and various tangible and intangible qualities that may come to associate with a particular source. . . . In particular . . . **the ‘Made in U.S.A.’ label matters.** A range of motivations may fuel this preference, from desire to support domestic jobs or labor conditions, to simply patriotism. The Legislature has recognized the materiality of this representation by specifically outlawing deceptive and fraudulent “Made in America” representations. (Cal. Bus & Prof. Code section 17533.7; see also Cal. Civ. Code § 1770, subd. (a)(4) (prohibiting deceptive representations. Of geographic origin)). The objective of section 17533.7 “is to protect consumers from being misled when they purchase products in the belief

1 that they are advancing the interest of the United States
2 and the industries and workers. . . (emphasis added).

3 5. Mielle represents (via its advertising and/or on the packaging of its products)
4 that the products have: (1) certain hair and scalp benefits, including dandruff relief,
5 hair growth, and increased circulation to the scalp; (2) anti-inflammatory and anti-
6 fungal benefits; (3) natural ingredients; and (4) are Made in the USA—when in fact,
7 all of these representations are false and/or misleading.

8 6. Contrary to Defendant’s express representations and its failure to clearly and
9 adequately qualify those representations, the products purchased by Plaintiff and
10 Class members do not in fact contain: (1) ingredients capable of reliably, repeatedly
11 and demonstrably “combatting dandruff” and/or “increasing blood circulation” [to
12 the scalp] to cause “faster and thicker” hair growth; (2) ingredients capable of
13 reliably, repeatedly and demonstrably providing anti-inflammatory or anti-fungal
14 benefits; (3) natural ingredients; and (4) components and/or ingredients solely
15 sourced from the United States.

16 7. Plaintiff purchased Mielle’s Rosemary Mint Scalp & Hair Strengthening Oil
17 (the “Product”), which is specifically marketed, advertised, and/or labeled as: (1)
18 increasing scalp circulation and oxygenation; (2) combatting dandruff; (3)
19 promoting hair growth; (4) containing “natural, organic ingredients and essential
20 oils,” including rosemary, which Mielle purports to have “anti-inflammatory” and
21 “anti-fungal” properties; and (5) “Made in the USA”—despite the fact that,
22 unbeknownst to Plaintiff at the time of purchase, each of these representations is in
23 fact false.

24 8. Mielle’s other haircare products [**Exhibit B** filed herewith] (together with the
25 Product, the “Class Products”)—also display the same unqualified “Made in the
26 USA” representation (or a similar unqualified U.S. origin claim) and false “natural”
27 claims.
28

9. Defendant's conduct of advertising and selling deceptively labeled products violates: (1) California's Consumer Legal Remedies Act ("CLRA"), Cal. Civ. Code §§ 1750, *et seq.*; (2) California's Unfair Competition Law ("UCL"), Bus. & Prof. Code §§ 17200, *et seq.*; (3) California's False Advertising Law ("FAL"), Bus. & Prof. Code § 17500, *et seq.*; and constitutes (4) breach of express warranty; (5) unjust enrichment; (6) negligent misrepresentation; and (7) intentional misrepresentation.

10. Such conduct is also in violation of 16 C.F.R. § 323 (Federal Trade Commission 2021) (the "MUSA Rule").

11. This conduct caused Plaintiff, and other similarly situated consumers, damages, and requires restitution and injunctive relief to remedy and prevent future harm.

JURISDICTION AND VENUE

12. This Court has jurisdiction over this matter pursuant to the Class Action Fairness Act (CAFA), 28 U.S.C. § 1332(d), because: (1) there is minimal diversity, including because Plaintiff is a citizen of the State of California, and Defendant is a Delaware corporation with its headquarters and principal place of business in Indiana; (2) the amount in controversy in this matter exceeds \$5,000,000, exclusive of interest and costs; and (3) there are more than one hundred (100) people in the putative class.

13. Venue is proper in the United States District Court for the Central District of California pursuant to 28 U.S.C. § 1391 for the following reasons: (i) Plaintiff resides in the County of Orange, State of California, which is within this judicial district; (ii) the conduct complained of herein occurred within this judicial district; (iii) Defendant conducted business within this judicial district at all times relevant.

PARTIES

14. Plaintiff is, and at all times mentioned herein was, a natural person, an individual citizen and resident of the County of Orange, State of California, and within this judicial district.

1 15. Upon information and belief, Defendant is a corporation that is organized and
 2 exists under the laws of the State of Delaware, with a principal place of business
 3 within the State of Indiana, located at 8707 Louisiana Street, Merrillville, Indiana
 4 46410.

5 16. Upon information and belief, Defendant is among the fastest growing and now
 6 one of the most well-known hair care product companies in the United States.

7 17. Plaintiff alleges that at all times relevant herein Defendant conducted business
 8 within the State of California, in the County of Orange, and within this judicial
 9 district.

10 18. Unless otherwise indicated, the use of Defendant's names in this Complaint
 11 includes all agents, employees, officers, members, directors, heirs, successors,
 12 assigns, principals, trustees, sureties, subrogees, representatives, and insurers of the
 13 Defendant, respectively.

14 **FACTUAL ALLEGATIONS**

15 19. According to its website, "Monique Rodriguez founded MIELLE in 2014
 16 after her healthy, hair care regimen for her tailbone-length hair became somewhat
 17 of a craze among her social media followers."¹

18 20. "Since then, MIELLE has expanded to 10 collections under Monique's
 19 direction, including products for skin and children."²

20 21. At all times relevant, Defendant has made material misrepresentations
 21 regarding the Class Products.

22 22. Specifically, Defendant falsely advertised, marketed, promoted and sold the
 23 Product as: (1) containing certain hair and scalp benefits, including dandruff relief,
 24 hair growth, and increased circulation to the scalp and (2) having anti-inflammatory
 25

26 ¹ See

27 https://mielleorganics.com/pages/about?gad_source=1&gclid=CjwKCAiAqrG9BhAVEiwAaPu5zuS_b6y3VEG0QITs1DGGXlu8pXejhQGP3gKOr8YM4DVSvGmVJrul-BoC9dIQAvD_BwE&gclsrc=aw.ds (last visited Feb. 12, 2025).

28 ² *Id.*

1 and anti-fungal benefits; and, Defendant also falsely advertised, marketed, labeled,
2 promoted and sold the Class Products (including the Product) as being: (3) made
3 from natural ingredients and (4) “Made in the USA.”

4 23. This action seeks, among other things equitable and injunctive relief; public
5 injunctive relief; restitution of all amounts illegally retained by Defendant; and
6 disgorgement of all ill-gotten profits from Defendant’s wrongdoing alleged herein.
7 Unless enjoined, Defendant’s unfair and unlawful conduct will continue into the
8 future, and Plaintiff and class members will continue to suffer harm.

9 **A. False Claims Regarding Dandruff, Hair Growth, Increased Circulation**
10 **to the Scalp and Oxygenation of the Scalp**

11 24. Defendant markets and advertises the Product purchased by Plaintiff as
12 having the ability to “combat dandruff”³ and help hair grow “faster and thicker”⁴
13 by claiming that ingredients contained in the Product “increase blood circulation”
14 and result in “more oxygen to be carried to your scalp.”

15 25. Consumers, like Plaintiff, relied on these representations and purchased the
16 Product believing it will cure and prevent dandruff and support their hair growth
17 and scalp health by increasing circulation and thus oxygen to the scalp.

18 26. These representations are and/or were displayed conspicuously in the
19 advertising of the Product on Defendant’s website, Amazon, as well as other major
20 online retailers like Target.

21 27. Below are non-exhaustive examples of these representations on Amazon:

- 22 • SOOTHE DRY SCALP: This rich blend of over 30 essential oils and nutrients deeply penetrates the
23 scalp to increase circulation, combat dandruff, and comfort itchy, sensitive skin while working to
strengthen, lengthen, nourish, and protect hair

24 ³ See https://www.amazon.com/dp/B07N7PK9QK?ref_=posts (last visited Feb. 13, 2025) (noting
25 the Product contains “over 30 essential oils and nutrients deeply penetrates the scalp to **increase**
26 **circulation, combat dandruff**, and comfort itchy, sensitive skin while working to strengthen,
lengthen. . .hair”) (emphasis added).

27 ⁴ *Id.* (as of at least September 2024, the advertising for the Product on Amazon included the
28 representation that the Product helps hair grow “faster and thicker” with claims that ingredients
contained in the Product “increase blood circulation” and result in “more oxygen to be carried to
your scalp.”).



Faster and thicker hair

Both rosemary and mint essential oils are known to increase blood circulation which allows for more oxygen to be carried to your scalp. More oxygen will stimulate your hair, resulting in faster and thicker hair.



Longer and Healthier

If increasing your hair length is one of your top hair concerns, then you have come to the right place. For the women wearing their hair in protective styles, just a couple drops of our Rosemary Mint Strengthening Oil at your roots is what you need to keep your strands long and luscious.



Shinier Hair

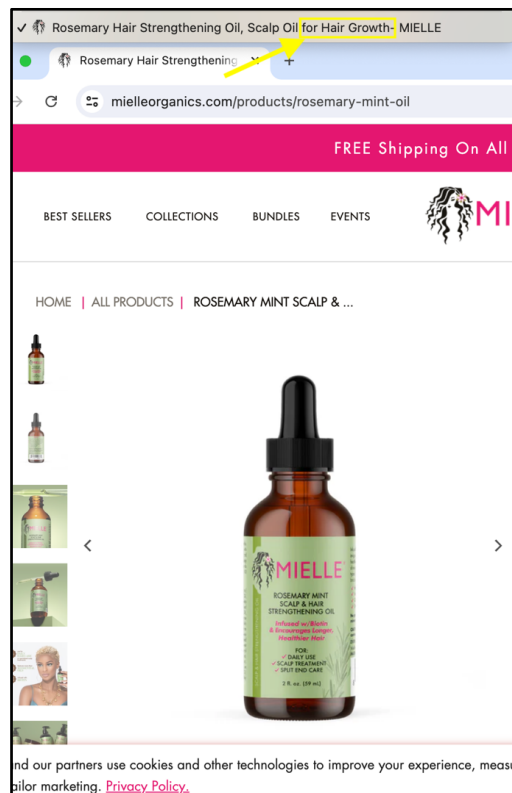
For a bouncy, natural style, use our Rosemary Mint Strengthening Shampoo and bring back shine to your curly hair! With a combination of our natural ingredients and commitment to a strict hair regime, your definition of healthy hair will be taken to a whole new level.

28. Below are non-exhaustive examples of these representations on Defendant's website:⁵

<https://mielleorganics.com/products/rosemary-mint-oil>

Rosemary Hair Strengthening Oil, Scalp Oil for Hair Growth- MIELLE

Rosemary Mint Scalp & Hair Strengthening Oil. \$9.99. Add to Cart. Description. Ingredients. How To Use. This certified organic hair oil smells great and gives your hair the nutrients and support it needs for a healthy scalp and length retention. Order yours today!



⁵ Defendant made these representations on its website (<https://mielleorganics.com/products/rosemary-mint-oil>) until at least September of 2024.

29. These representations also *currently* appear on Target.com⁶ as well as various other retail websites and are posted all over social media⁷ as of the filing of this Complaint.

30. In addition to appearing on third-party retailer websites, Defendant's extensive social media presence—through both its own accounts and those of its contracted agents and influencers—has further disseminated these misrepresentations. Upon information and belief, these misrepresentations were widespread across numerous social media posts, many of which were sponsored or otherwise directed by Defendant.

31. Upon information and belief, most, if not all, of the information related to Defendant's social media activities, including the specific posts, engagements, and interactions with influencers, is exclusively within Defendant's possession and control.

32. Despite these representations, the Product does not contain *any* ingredients capable of reliably, repeatedly and demonstrably “combatting dandruff” and/or “increasing blood circulation” [to the scalp] to cause “faster and thicker” hair growth.

⁶ <https://www.target.com/p/mielle-organics-rosemary-mint-scalp-38-strengthening-hair-oil-2-fl-oz/-/A-75566105> (last visited Feb. 13, 2025) (“Both rosemary and mint essential oils are known to increase blood circulation which allows for more oxygen to be carried to your scalp. More oxygen will stimulate your hair follicles, resulting in nourished and thicker hair . . . If increasing your hair length is one of your top hair concerns, then you have come to the right place”).

⁷ <https://www.heb.com/product-detail/mielle-rosemary-mint-scalp-hair-oil/3658502> (last visited Feb. 13, 2025) (same language as Target in footnote above); <https://tdawi.com/en-us/mielle-organics-rosemary-mint-scalp-hair-strengthening-oil-with-biotin-essential-oils-nourishing-treatment-for-split-ends-dry-scalp-hair-growth-safe-for-all-hair-types-2-fluid-ounces?srsId=AfmBOor3HqETiDb45-r6Q1Zg4k-cp-LZsJzhibqZ2XC4vk61KJg75vM1> (last visited Feb. 13, 2025) (same); <https://bevmo.com/products/227188> (last visited Feb. 13, 2025) (same); https://avenzur.com/product/mielle-organics-rosemary-mint-growth-oil-sulfate-and-paraben-free-2-ounces-AM-002?srsId=AfmBOoq0h9IfQYQVyiRfxYOf2VYgU4wcD3pzRpec8bkTnqesljxk7_Aw (last visited Feb. 13, 2025) (same); *see e.g.*, https://www.facebook.com/story.php/?story_fbId=245063621412537&id=100077267017664&_rdr (last visited Feb. 13, 2025) (same); <https://www.instagram.com/temmydaynaturals/p/C6g691MIISK/> (last visited Feb. 13, 2025);

1 33. In other words, no scientific agreement exists that any of the individual
2 ingredients of the Product have such benefits.

3 34. Even if any of the individual ingredients of the Product had the requisite
4 scientific agreement necessary to support the claims Defendant makes regarding
5 circulation and oxygenation of the scalp, Defendant would need to scientifically
6 demonstrate that such ingredient, in the amount contained in the Product still
7 delivers such benefit.

8 35. In addition, Defendant would need to scientifically demonstrate that the
9 dozens of other ingredients in the Product do not adversely interfere with such
10 ingredient's alleged anti-dandruff, circulation and oxygenation benefits.

11 36. Upon information and belief, and after a thorough search of published
12 research as of the date of the filing of this Complaint, it appears Defendant cannot
13 scientifically substantiate such claims as there are no available studies or
14 publications on the Product's formulation.

15 37. To make matters worse, Defendant does not provide instructions to
16 consumers as to how much of the Product and how many times the Product needs
17 to be applied to achieve dandruff, scalp circulation and scalp oxygenation (and thus
18 hair growth) benefits. Without such instructions, Defendant is representing that
19 such benefits are achieved upon the very first application of the Product, which is
20 simply not the true.

21 38. Even if Defendant had the requisite scientific evidence and proper
22 instructions, it would need to apply for U.S. Food and Drug Administration
23 ("FDA") approval to sell such a product or, at the very least, include ingredients
24 that fall under an existing drug monograph. Mielle has done neither.

25 39. As such, the Product is an unapproved new drug under section 201(g)(1)(B)
26 of the Federal Food, Drug and Cosmetic Act (the "Act")⁸ because it is intended for
27 use in the cure, mitigation, treatment, or prevention of disease or intended to affect

28 ⁸ 21 U.S.C. § 321(g)(1)(B).

1 the structure or any function of the body of man or other animals.⁹

2 40. New drugs may not be legally introduced or delivered for introduction into
3 interstate commerce without prior approval from FDA, as described in sections
4 301(d) and 505(a) of the Act.¹⁰

5 41. Furthermore, the Product is misbranded. A drug is misbranded under section
6 502(f)(1) of the Act¹¹ if the drug fails to bear adequate directions for its intended
7 use(s). “Adequate directions for use” mean directions under which a layperson can
8 use a drug safely and for the purposes for which it is intended (21 CFR 201.5).

9 42. Such representations that the Product had the above-mentioned scalp and hair
10 properties were material to Plaintiff in making her decision to purchase the Product.

11 43. As a result of the false claims associated with the Product, consumers have
12 been misled for years, resulting in initial and repeat purchase of products they
13 thought contained these scalp and hair benefits.

14 44. As a consequence of Defendant’s unfair and deceptive practices, Plaintiff and
15 other similarly situated consumers purchased Defendant’s Product under the false
16 impression and in reliance upon Defendant’s express representations that the
17 Product has the ability to “combat dandruff” and help hair grow “faster and thicker”
18 because the ingredients contained in the Product “increase blood circulation” and
19 result in “more oxygen to be carried to your scalp.”

20 45. As a result, Plaintiff and other similarly situated consumers overpaid for the
21 Defendant’s Product, purchased the Product over the products of competitors,
22 and/or purchased the Product under the false belief that the product they purchased
23 had these hair and scalp benefits, when in fact, it did not.

24 ⁹ Notably, the Product’s “circulation” and “oxygenation” claims are exactly the same as the
25 presumed pharmacology of the most well-known anti-hair loss/hair growth drug on the market,
26 minoxidil. See <https://en.wikipedia.org/wiki/Minoxidil> (“Minoxidil is an adenosine 5'-
27 triphosphate-sensitive potassium channel opener,[25] causing hyperpolarization of cell
28 membranes. Theoretically, by widening blood vessels and opening potassium channels, it allows
more oxygen, blood, and nutrients to the follicles.”) (emphasis added).

¹⁰ 21 U.S.C. §§ 331(d), 355(a).

¹¹ 21 U.S.C. § 352(f)(1).

46. Had Plaintiff and other consumers similarly situated been made aware that Defendant's Product did not contain the advertised hair and scalp benefits, they would not have purchased the Product.

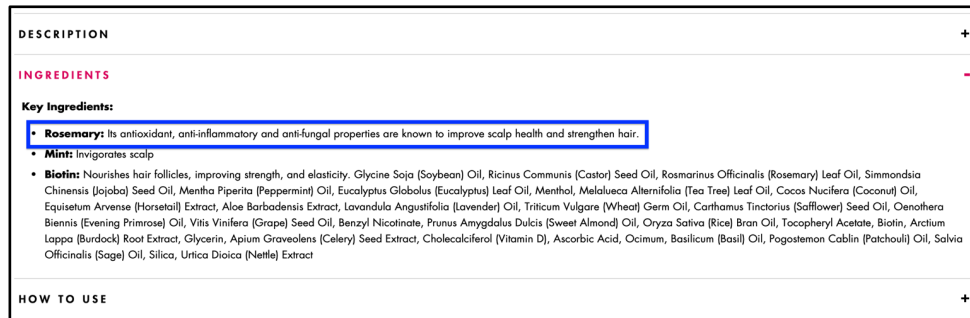
B. False Claims Regarding Anti-Inflammatory and Anti-Fungal Properties

47. Defendant also markets and advertises the Product purchased by Plaintiff as a product that contains rosemary oil, which Defendant alleges provides "anti-inflammatory" and "anti-fungal" properties.

48. These representations were displayed conspicuously in the advertising of the Product on Mielle's website,¹² and, upon information and belief, on third-party websites as well as social media.

49. Consumers, like our Plaintiff, relied on these representations and purchased the Product believing it has benefits it does not have.

50. Below is an example of these representations:



51. Despite these representations, the Product does not contain any ingredients capable of reliably, repeatedly and demonstrably providing anti-inflammatory or anti-fungal benefits.

52. In other words, no scientific agreement exists that any of the individual ingredients of the Product have such benefits.

53. Even if Mielle had the requisite scientific evidence and proper instructions in relation to these claims, it would need to apply FDA approval to sell such a product

¹² <https://web.archive.org/web/20240229115854/https://mielleorganics.com/products/rosemary-mint-oil>

1 or, at the very least, include ingredients that fall under an existing drug monograph.
 2 Mielle has done neither and as such, the Product is an unapproved new drug under
 3 the Act¹³ because it is intended for use in the cure, mitigation, treatment, or
 4 prevention of disease or intended to affect the structure or any function of the body
 5 of man or other animals.

6 54. New drugs may not be legally introduced or delivered for introduction into
 7 interstate commerce without prior approval from FDA, as described in sections
 8 301(d) and 505(a) of the Act.¹⁴

9 55. Such representations that the Product had “anti-inflammatory” and “anti-
 10 fungal” properties were material to Plaintiff in making her decision to purchase the
 11 Product.

12 56. As a result of the false “anti-inflammatory” and “anti-fungal” claims
 13 associated with the Product, consumers have been misled for years, resulting in
 14 initial and repeat purchase of products they thought contained these properties.

15 57. As a consequence of Defendant’s unfair and deceptive practices, Plaintiff and
 16 other similarly situated consumers purchased the Product under the false impression
 17 and in reliance upon Defendant’s express representations that the Product had “anti-
 18 inflammatory” and “anti-fungal” properties.

19 58. As a result, Plaintiff and other similarly situated consumers overpaid for the
 20 Product, purchased the Product over the products of competitors, and/or purchased
 21 the Product under the false belief that the product they purchased had “anti-
 22 inflammatory” and “anti-fungal” properties, when in fact, it did not.

23 59. Had Plaintiff and other consumers similarly situated been made aware that
 24 the Product did not have “anti-inflammatory” and “anti-fungal” properties, they
 25 would not have purchased the Product.

26 //

27 _____
 28 ¹³ 21 U.S.C. § 321(g)(1)(B).

¹⁴ 21 U.S.C. §§ 331(d), 355(a).

C. False Natural Claims

60. Mielle also markets and advertises all Class Products, including the Product purchased by Plaintiff, as natural hair care products.¹⁵

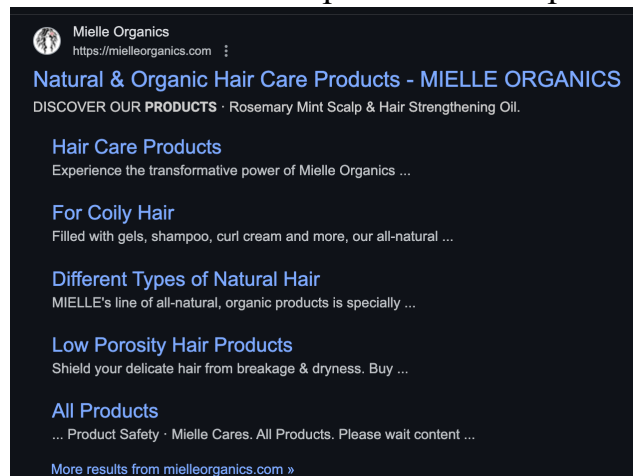
61. Mielle's "natural" representations are/were displayed on Mielle's website, on its Amazon store page and in the descriptions of Mielle's products on other third-party retailer websites.

62. Upon information and belief, Mielle's representations regarding the natural qualities of the Class Products, including the Product purchased by Plaintiff, were also prominently disseminated across Mielle's social media platforms, as well as through posts and promotions by its agents and influencers.

63. Upon information and belief, most, if not all, of the information regarding the specific social media posts, promotional content, and interactions with influencers related to Mielle's "natural" representations is within Mielle's exclusive possession and control.

64. The title tag for Mielle's website's main page (www.mielleorganics.com) is "Organic Hair Care Products, Natural Hair Products" despite the fact that most, if not all, of Mielle's products contain numerous synthetic, non-natural and non-organic ingredients.

65. Below are non-exhaustive examples of these representations:



¹⁵ See <https://mielleorganics.com/pages/about-us> (Mielle stands for **natural**, results-driven hair care that you can trust") (last visited Feb. 10, 2025) (emphasis added); <https://a.co/d/025fcmVX> (last visited Feb. 10, 2025).

DESCRIPTION

Our Rosemary Mint scalp and hair oil is a nutrient-rich, intensive formula meant to help you address your hair concerns. From nourishing hair follicles, smoothing split ends and help with dry scalp, this hair oil uses natural, organic ingredients and essential oils to provide the care your hair deserves. Use it on protective styles, including braids and weaves, and enjoy its fresh, invigorating scent during your next hot oil treatment.

66. These “natural” representations induce consumers, like Plaintiff, to purchase the Class Products, believing Mielle’s products are “natural” when in fact that is not the case.

67. Mielle’s “natural” representations on its website, including in the title tag of its homepage, provide Mielle with a significant, yet unfair, competitive advantage in search engine results, as algorithms prioritized Mielle’s page when consumers search for these terms in connection with hair care products.

68. Despite its “natural” representations, most, if not all, of Mielle’s products are made with chemicals and/or synthetically created ingredients that are in no way natural.

69. For example, the Product purchased by Plaintiff contains benzyl nicotinate and ascorbic acid, both of which are synthetically produced yet Mielle’s webpage for the Product stated at the time of Plaintiff’s purchase (and through at least September 2024) that “...this hair oil uses natural, organic ingredients and essential oils to provide the care your hair deserves,” in addition to the companywide “natural” claims made by Mielle.¹⁶

70. Additionally, the title tag for Mielle’s Rosemary Mint collection products (at the time of Plaintiff’s purchase and through at least September 2024) is “Organic Rosemary Mint Hair Products | Natural Hair Products – MIELLE” despite the fact that all the products within the Rosemary Mint collection contain numerous synthetic, non-natural and non-organic ingredients.

71. Mielle’s White Peony Leave In Conditioner contains stearylalkonium chloride, phenoxyethanol, polysorbate 60 and centrimonium chloride none of which are

¹⁶ See

<https://web.archive.org/web/20240229115854/https://mielleorganics.com/products/rosemary-mint-oil> (“[T]his hair oil uses natural, organic ingredients and essential oils to provide the care your hair deserves.”).

1 “natural.” These, among other ingredients in White Peony Leave In Conditioner,
 2 are all synthetically created chemicals yet Mielle markets this product as
 3 “...lightweight and packed with natural and organic ingredients to give your hair
 4 the moisture and protection it needs” on Mielle’s product webpage.¹⁷

5 72. Similarly, Mielle’s Babassu Oil & Mint Deep Conditioner contains
 6 behentrimonium methosulfate, cetylestere, isoamyl laurate, dehydroacetic acid,
 7 which, among other ingredients in the product, are synthetic and not natural. Despite
 8 the presence of numerous synthetic ingredients in this product, Mielle’s webpage
 9 for the product claims “...is enriched with fatty acids and natural oils, as well as
 10 complex amino acids from wheat, soy, *and other all-natural ingredients*...”¹⁸

11 73. Such representations that the Product was made with natural ingredients were
 12 material to Plaintiff in making her decision to purchase the Product.

13 74. As a result of the false “natural” claims associated with the Class Products,
 14 consumers have been misled for years, resulting in initial and repeat purchase of
 15 products they thought were indeed natural and that did not contain synthetically and
 16 chemically derived ingredients.

17 75. As a consequence of Defendant’s unfair and deceptive practices, Plaintiff and
 18 other similarly situated consumers purchased Defendant’s Class Products under the
 19 false impression and in reliance upon Defendant’s express representations that the
 20 Class Products were made with natural ingredients, and not synthetically or
 21 chemically derived ingredients.

22 76. As a result, Plaintiff and other similarly situated consumers overpaid for the
 23 Class Products, purchased the Class Products over the products of competitors,
 24 and/or purchased the Class Products under the false belief that the products they
 25 purchased were made with natural ingredients, when in fact, they were not, and

26
 27 ¹⁷ <https://web.archive.org/web/20240421141710/https://mielleorganics.com/products/organic-white-peony-ultra-moisturizing-leave-in-conditioner>

28 ¹⁸ https://www.facebook.com/photo.php?fbid=4681755871941946&id=552830141501227&set=a.552838314833743&locale=br_FR

1 instead contained synthetic and chemically derived ingredients.

2 77. Had Plaintiff and other consumers similarly situated been made aware that
3 Defendant's Class Products were not made with only natural ingredients and instead
4 contained synthetic and chemically derived ingredients, they would not have
5 purchased the Class Products.

6 **D. False U.S. Origin Claims**

7 78. Mielle markets and advertises the Class Products, including the Product
8 purchased by Plaintiff, as "Made in the USA."

9 79. These representations (or substantially similar representations) are displayed
10 conspicuously on the packaging of each of Defendant's Class Products.

11 80. Although Defendant represents that the Class Products are "Made in the
12 USA." (or some derivative thereof), Defendant's Class Products are wholly and/or
13 substantially produced with components / ingredients that are manufactured, grown
14 and/or sourced from outside of the United States.

15 81. For example, the Product purchased by Plaintiff contains tea tree oil¹⁹ and
16 coconut oil²⁰, which, among other ingredients and components in the Product, are
17 not from the United States, yet its packaging states "Made in the USA."

18 82. Additionally, Mielle's Pomegranate & Honey Leave-In Conditioner product
19 contains *Astrocaryum murumuru*²¹ seed butter as well as *Camellia sinensis* (tea)²²
20 leaf extract, which, among other ingredients and components used to produce the
21 product, are not from the United States, yet its packaging also states, "Made in the

22 _____
23 ¹⁹ See https://en.wikipedia.org/wiki/Melaleuca_alternifolia ("Endemic to Australia, it occurs in
24 southeast Queensland and the north coast and adjacent ranges of New South Wales where it grows
25 along streams and on swampy flats, and is often the dominant species where it occurs.").

26 ²⁰ See <https://www.fao.org/faostat/en/#data/QCL/visualize> (Select Item: Coconut oil. According
27 to the Food and Agriculture Organization of the United Nations, coconut oil is not produced in
28 commercial quantities in the United States).

²¹ See https://www.palmpedia.net/wiki/Astrocaryum_murumuru ("*Astrocaryum murumuru* is
found in Brazil North, French Guiana, Guyana, Suriname, and Venezuela.")

²² See <https://www.fao.org/faostat/en/#data/QCL/visualize> (Select Item: Tea leaves. According to
the Food and Agriculture Organization of the United Nations, tea is not produced in commercial
quantities in the United States).

USA.”

83. Similarly, Mielle’s Avocado Moisturizing Hair Milk product contains shea butter²³ as well as jojoba seed oil²⁴, which, among other ingredients and components used to produce the product, are not from the United States, yet its packaging also states, “Made in the USA.”

84. Mielle’s White Peony Sulfate-Free Leave-In Conditioner product contains coconut oil, jojoba seed oil as well as *Camellia sinensis* (tea) leaf extract, which, among other ingredients and components used to produce the product, are not from the United States, yet its packaging also states, “Made in the USA.”

85. Below are non-exhaustive examples of these representations:



²³ See <https://en.wikipedia.org/wiki/Vitellaria> (The distribution map shows that the shea tree grows exclusively in Africa.)

²⁴ See <https://www.fao.org/faostat/en/#data/QCL/visualize> (Select Item: Jojoba seeds. According to the Food and Agriculture Organization of the United Nations, jojoba seeds are not produced in commercial quantities in the United States.)



86. As a result of the “Made in the USA” representations on the Class Products’ packaging and marketing, online retailers have also furthered this misrepresentation through their websites’ product descriptions, in addition to continuing to sell the Class Products with unqualified “Made in the USA” misrepresentations on their shelves, where applicable.

87. Each consumer, including Plaintiff, was exposed to virtually the same material misrepresentation, as the similar labels were prominently placed on all Class Products that were sold, and are currently sold to consumers throughout the United States, including within California.

88. Federal rules regarding the use of “Made in the United States” claims with respect to products and services are well established and well defined.

89. Specifically, the Made in USA Labeling rule clearly defines the meaning of “Made in the United States”, including synonymous phrases,²⁵ as well as when it can be used without clear and adequate qualification notifying consumers that the good or service in question contains or is made with ingredients or components that are not made or sourced in the United States.²⁶

90. Accordingly, Defendant is not entitled to lawfully make representations that the Class Products were “Made in the USA.”

91. By failing to disclose the use of foreign ingredients and components, the Defendant has unfairly and deceptively misrepresented the Class Products as being

²⁵ See 16 C.F.R. § 323.1(a) (“The term *Made in the United States* means any **unqualified representation**, express or implied, **that a product** or service, or a specified component thereof, **is of U.S. origin**, including, but not limited to, a representation that such product or service is “made,” “manufactured,” “built,” “produced,” “created,” or “crafted” in the United States or in America, or any other unqualified U.S.-origin claim.”) (emphasis added).

²⁶ See 16 C.F.R. § 323.2 Prohibited Acts (“In connection with promoting or offering for sale any good or service, in or affecting commerce as “commerce” is defined in section 4 of the Federal Trade Commission Act, 15 U.S.C. 44, **it is an unfair or deceptive act or practice** within the meaning of section 5(a)(1) of the Federal Trade Commission Act, 15 U.S.C. 45(a)(1), **to label any product as Made in the United States unless** the final assembly or processing of the product occurs in the United States, all significant processing that goes into the product occurs in the United States, and **all or virtually all ingredients or components of the product are made and sourced in the United States**. (emphasis added).

1 of purely U.S. origin.

2 92. As a consequence of Defendant's unfair and deceptive practices, Plaintiff and
3 other similarly situated consumers purchased Defendant's Class Products under the
4 false impression and in reliance upon Defendant's express representations that the
5 Class Products were actually made in the United States with ingredients and
6 components sourced from within the United States.

7 93. As a result, Plaintiff and other similarly situated consumers overpaid for the
8 Class Products, purchased the Class Products over the products of competitors,
9 and/or purchased the Class Products under the belief that the products they
10 purchased were made in the United States and did not contain ingredients from
11 outside the United States.

12 94. Despite the clearly established and well-defined federal rules regarding
13 "Made in the United States" claims, Defendant falsely, unfairly and deceptively
14 advertised, marketed and sold the Class Products, including the Product purchased
15 by Plaintiff, as "Made in the USA." without clear and adequate qualification
16 informing consumers of the presence of foreign ingredients and/or components as
17 further discussed herein.

18 95. Most consumers have limited awareness that products—along with their
19 ingredients and components—labeled as made in the United States may, in fact,
20 contain ingredients or components sourced, grown, or manufactured in foreign
21 countries. This is a material factor in many purchasing decisions, as consumers
22 believe they are buying superior goods while supporting American companies and
23 jobs.

24 96. Consumers generally believe that "Made in the USA" products are of higher
25 quality than their counterparts that are made with foreign components.

26 97. Plaintiff's reliance on Defendant's unqualified U.S. origin representations
27 was reasonable, as consumers are accustomed to seeing disclosures such as "Made
28 in the USA with globally sourced ingredients" or similar variations on product

1 packaging—if and when such claims are made. When consumers encounter an
2 unqualified “Made in the USA” claim, they reasonably assume that the product
3 contains no foreign-sourced ingredients or components.

4 98. Such representations that the Product was made in the USA were material to
5 Plaintiff in making her decision to purchase the Product.

6 99. As a result of the unqualified “Made in the USA” representation on
7 Defendant’s product packaging of the Class Products, consumers have been misled
8 for years, resulting in initial and repeat purchase of products they thought were
9 indeed made in the United States with ingredients and components from the United
10 States.

11 100. Had Plaintiff and other consumers similarly situated been made aware that
12 Defendant’s Class Products contained a substantial amount of ingredients and
13 components sourced from outside of the United States, they would not have
14 purchased the Class Products.

15 101. As a result of Defendant’s false or misleading statements and/or failure to
16 disclose the true nature of its Class Products, as well as Defendant’s other conduct
17 described herein, Plaintiff and other similar situated consumers purchased at least
18 tens of thousands of units of Defendant’s Class Products within California and have
19 suffered, and continue to suffer, harm, including the loss of money and/or property.

20 102. Defendant possesses superior knowledge of the true facts that were not
21 disclosed, thereby tolling the running of any applicable statute of limitations.

22 **FACTS SPECIFIC TO PLAINTIFF SHARON ALLEN**

23 103. On January 12, 2024, Plaintiff searched online while at her home in Lake
24 Forest, California looking to purchase hair care products specifically for scalp and
25 hair health, strength and growth, and containing natural ingredients sourced from
26 the United States.

27 104. While researching the various options available online, Plaintiff read
28 information and marketing materials online about the Product (i.e., Mielle’s

Rosemary Mint Scalp & Hair Strengthening Oil), which revealed that Product was clearly marketed and advertised as: (1) promoting hair growth; (2) containing natural, organic ingredients and essential oils; (3) having “anti-inflammatory” and “anti-fungal” properties; and (4) being made in the United States without clear and adequate disclosure of foreign ingredients and components.

105. After reviewing the Product’s advertising and marketing online, Plaintiff saw the Product available for purchase on Amazon.

106. On the Product’s Amazon page Plaintiff read the following representations in the Product’s marketing (emphasis added):

SOOTHE DRY SCALP: This rich blend of over 30 essential oils and nutrients deeply penetrates the scalp to increase circulation, combat dandruff, and comfort itchy, sensitive skin while working to strengthen, lengthen, nourish, and protect hair

Faster and thicker hair

Both rosemary and mint essential oils are known to increase blood circulation which allows for more oxygen to be carried to your scalp. More oxygen will stimulate your hair, resulting in faster and thicker hair.

107. In addition to the above representations, Plaintiff viewed the pictures of the Product on Amazon and saw the representation that the Product was “MADE IN THE USA,” which is clearly visible in the pictures on the Product’s Amazon page.

108. Relying on these representations, as any reasonable consumer would, Plaintiff purchased the Product for her personal use for approximately \$8.99, excluding tax, through Amazon on January 12, 2024.

109. Plaintiff reasonably relied on Defendant’s above-mentioned representations regarding the Product.

110. Defendant’s representations concerning the Product were unlawful, untrue and/or deceptive and misleading as discussed in detail above.

111. In making the decision to purchase Defendant’s Product, Plaintiff relied upon

1 the advertising and/or other promotional materials prepared and approved by
2 Defendant and their agents and disseminated through its Product's online
3 advertisements, marketing (including social media), and packaging containing the
4 misrepresentations alleged herein.

5 112. Had Plaintiff been made aware that the Product was not as represented (i.e.,
6 that it did not: (1) contain certain hair and scalp benefits, including dandruff relief,
7 hair growth, and increased oxygenation and circulation to the scalp; (2) have anti-
8 inflammatory and anti-fungal benefits; (3) contain natural ingredients; and was not
9 (4) "Made in the USA" using only domestic ingredients and components, she would
10 not have purchased the Product.

11 113. In other words, Plaintiff would not have purchased Defendant's Product, but
12 for these misrepresentations.

13 114. As a result, Plaintiff was harmed because Plaintiff's money was taken by
14 Defendant as a result of Defendant's false statements regarding the benefits,
15 ingredients, and origin of the Product.

16 115. In each case when Plaintiff and putative Class members purchased a Class
17 Product, they relied upon Defendant's representations in their purchasing decision,
18 which is typical of most U.S. consumers.

19 116. Consequently, Plaintiff and other similar situated consumers were deceived
20 as a result of Defendant's actions.

21 117. For instance, Plaintiff believed at the time she purchased the Product that it
22 was of superior quality, and that she was supporting U.S. jobs and the U.S.
23 economy, supporting ethical working conditions, and also buying U.S. quality
24 ingredients as opposed to ingredients sourced, grown or made outside of the United
25 States.

26 118. Ingredients and components grown or manufactured in the USA are subject
27 to strict regulatory requirements, including but not limited to agricultural,
28 environmental, labor, safety, ethical and quality standards.

1 119. Foreign sourced, grown, or manufactured ingredients and components are not
 2 subject to the same U.S. standards and may pose greater risks to consumers, the
 3 environment, and the U.S. economy. This concern is especially significant for
 4 products intended for topical application to humans.

5 120. Additionally, foreign sourced, grown or manufactured ingredients and
 6 components are also generally of lower quality than their U.S. origin counterparts,
 7 and routinely less reliable and of less quality than their U.S. origin counterparts.

8 121. Moreover, the reason Plaintiff purchased the Product was for its natural
 9 ingredients, its hair and scalp benefits, and its anti-inflammatory and anti-fungal
 10 properties.

11 122. The false, misleading or deceptive representation regarding the Class
 12 Products reduces overall customer satisfaction compared to if they were true.

13 123. On information and belief, the Class Products lack the advertised-benefits,
 14 ingredients, and/or origin that was advertised, and therefore, are not worth the
 15 purchase price paid by Plaintiff and putative Class members.

16 124. The precise amount of damages will be proven at the time of trial.

17 125. Plaintiff and Class members were harmed as a result of Defendant's false,
 18 unlawful, unfair, deceptive, and/or misleading representations alleged herein.

19 126. This false, unlawful, unfair, deceptive, and/or misleading advertising of the
 20 Class Products (including the Product) by Defendant presents a continuing threat to
 21 consumers, as Defendant's conduct is ongoing to this day.

22 **CLASS ALLEGATIONS**

23 127. Plaintiff brings this action on behalf of Plaintiff and all others similarly
 24 situated.

25 128. Plaintiff is a member of and seeks to represent a Class, pursuant to Federal
 26 Rules of Civil Procedure, Rule 23(a), 23(b)(2) and 23(b)(3), defined as:

27 All persons within California who purchased one or more
 28 of Defendant's Class Products that: (1) included "Made in

1 the USA”(or similar language) on the Class Product or
2 packaging of the Class Product and that were made with
3 or contained ingredients or components that were not
4 grown or manufactured in the USA; and/or (2) were
5 advertised and/or marketed as containing “natural”
6 ingredients but in fact contained chemicals and/or
7 synthetically created ingredients, within the four-years
8 prior to the filing of this Complaint.

9
10 129. Plaintiff is a member of and seeks to represent a Sub-Class, pursuant to
11 Federal Rules of Civil Procedure, Rule 23(a), 23(b)(2) and 23(b)(3), defined as:

12 All persons within California who purchased one or more
13 of Defendant’s Rosemary Mint Scalp & Hair
14 Strengthening Oil that was advertised as: (1) helping hair
15 grow “faster and thicker,” “increasing blood circulation
16 and oxygenation” and/or “combatting dandruff” (or
17 similar language); and/or (2) containing “anti-
18 inflammatory” and/or “anti-fungal” properties, within the
19 four-years prior to the filing of this Complaint.

20 130. The Class and the Sub-Class shall be referred to herein jointly as the “Class.”

21 131. Excluded from the Class are Defendant’s officers, directors, and employees;
22 any entity in which Defendant has a controlling interest; and the affiliates, legal
23 representatives, attorneys, successors, heirs, and assigns of Defendant. Further
24 excluded from the Class are members of the judiciary to whom this case is assigned,
25 their families, and members of their staff.

26 132. Plaintiff reserves the right to modify the proposed Class definitions, including
27 but not limited to expanding the Class to protect additional individuals and to assert
28 additional sub-classes as warranted by additional investigation.

133. Numerosity: The members of the Class are so numerous that joinder of all of
them is impracticable. While the exact number of members of the Class is unknown
to Plaintiff at this time, based on information and belief, the Class consists of
thousands of individuals within California.

1 134. Commonality: There are questions of law and fact common to the Class,
2 which predominate over any questions affecting only individual members of the
3 Class. These common questions of law and fact include, without limitation:

- 4 • The nature, scope, and operations of the wrongful practices of
5 Defendant;
- 6 • Whether Defendant's Class Products are or have been
7 represented as "Made in the USA" designation (or some derivative
8 thereof);
- 9 • Whether Defendant's Class Products are or have been
10 represented as containing natural ingredients;
- 11 • Whether Defendant's Product is or has been represented as
12 helping hair grow "faster and thicker," "increasing blood circulation"
13 and/or "combatting dandruff" (or similar language);
- 14 • Whether Defendant's Product is or has been represented as
15 containing "anti-inflammatory" and/or "anti-fungal" properties;
- 16 • Whether Defendant negligently or intentionally misrepresented
17 and/or omitted the fact that the Product purchased by Plaintiff and
18 members of the Class are illegally sold within California;
- 19 • Whether Defendant knew or should have known that its business
20 practices were unfair and/or unlawful;
- 21 • Whether the conduct of Defendant violated the CLRA;
- 22 • Whether the conduct of Defendant violated the FAL;
- 23 • Whether the conduct of Defendant was "unlawful" as that term
24 is defined in the UCL;
- 25 • Whether the conduct of Defendant was "unfair" as that term is
26 defined in the UCL;
- 27 • Whether Defendant was unjustly enriched by its unlawful and
28 unfair business practices;

- Whether Plaintiff and members of the Class suffered monetary damages as a result of Defendant's conduct and, if so, the appropriate amount of damages; and
- Whether Plaintiff and members of the Class are entitled to injunctive relief, including public injunctive relief.

135. Typicality: Plaintiff's claims are typical of those of the Class. Plaintiff and all members of the Class have been injured by the same wrongful practices of Defendant. Plaintiff's claims arise from the same course of conduct that gave rise to the claims of the Class and are based on the same legal theories in that Plaintiff purchased one or more Products from Defendant that was represented and/or advertised as: (1) containing certain hair and scalp benefits, including dandruff relief, hair growth, and increased circulation to the scalp; (2) having anti-inflammatory and anti-fungal benefits; (3) being made from natural ingredients and (4) "Made in the USA."

136. Adequacy of Representation: Plaintiff will fairly and adequately represent and protect the interests of members of the Class. Plaintiff's Counsel are competent and experienced in litigating consumer class actions. Plaintiff has retained counsel experienced in consumer protection law, including complex class action litigation involving unfair business practices. Plaintiff has no adverse or antagonistic interests to those of the Class and will fairly and adequately protect the interests of the Class. Plaintiff's attorneys are aware of no interests adverse or antagonistic to those of Plaintiff and the proposed Class.

137. Predominance: Defendant has engaged in a common course of conduct toward Plaintiff and members of the Class, in that Plaintiff and members of the Class were induced to purchase the Class Products. The common issues arising from Defendant's conduct affecting members of the Class set out above predominate over any individual issues. Adjudication of these common issues in a single action has important and desirable advantages of judicial economy.

138. Superiority: A class action is superior to other available methods for the fair and efficient adjudication of the controversy. Class treatment of common questions of law and fact is superior to multiple individual actions or piecemeal litigation. Absent a class action, most members of the Class would likely find that the cost of litigating their individual claims is prohibitively high and would therefore have no effective remedy. The prosecution of separate actions by individual members of the Class would create a risk of inconsistent or varying adjudications with respect to individual members of the Class, which would establish incompatible standards of conduct for Defendant. In contrast, the conduct of this action as a class action presents far fewer management difficulties, conserves judicial resources and the parties' resources, and protects the rights of each Class member.

139. Unless the Class is certified, Defendant will retain monies received as a result of Defendant's unlawful and deceptive conduct alleged herein. Unless a class-wide injunction is issued, Defendant will also likely continue to advertise, market, promote and package the Class Products (including the Product) in an unlawful and misleading manner, and members of the Class will continue to be misled, harmed, and denied their rights under California law.

140. Defendant has acted on grounds that apply generally to the Class, so that Class certification is appropriate.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

VIOLATIONS OF THE CONSUMER LEGAL REMEDIES ACT ("CLRA") (Cal. Civ. Code § 1750, *et seq.*)

141. Plaintiff re-alleges and incorporates herein by reference the allegations contained in all preceding paragraphs, and further allege as follows:

142. California Civil Code Section 1750, *et seq.*, entitled the Consumers Legal Remedies Act ("CLRA"), provides a list of "unfair or deceptive" practices in a "transaction" relating to the sale of "goods" or "services" to a "consumer."

1 143. The Legislature's intent in promulgating the CLRA is expressed in Civil Code
2 Section 1760, which provides, *inter alia*, that its terms are to be:

3 Construed liberally and applied to promote its underlying
4 purposes, which are to protect consumers against unfair
5 and deceptive business practices and to provide efficient
6 and economical procedures to secure such protections.

7 144. Defendant's actions, representations, and conduct have violated, and continue
8 to violate the CLRA because they extend to transactions that intended to result, or
9 which have resulted in the sale of foods to consumers.

10 145. Plaintiff and the Class Members are not sophisticated experts with
11 independent knowledge of ingredient sourcing, product labeling and marketing
12 practices.

13 146. Plaintiff and the Class Members are California consumers who purchased
14 Class Products for personal, family or household purposes.

15 147. Defendant is a "person" as defined by Cal. Civ. Code § 1761(c).

16 148. The Class Products that Plaintiff and other Class Members purchased from
17 Defendants constitute "goods" as defined pursuant to Civil Code Section 1761(a).

18 149. Plaintiff, and the Class members, are each a "consumer" as defined pursuant
19 to Civil Code Section 1761(d).

20 150. Each of Plaintiff's and the Class members' purchases of Defendant's products
21 constituted a "transaction" as defined pursuant to Civil Code Section 1761(e).

22 151. Civil Code Section 1770(a)(2), (4), (5), (7) and (9) of the CLRA provides
23 that:

24 The following unfair methods of competition and unfair or
25 deceptive acts or practices undertaken by any person in a
26 transaction intended to result or which results in the sale
27 or lease of goods or services to any consumer are
28 unlawful:

 (2) [m]isrepresenting the source, sponsorship, approval, or
 certification of goods or services;

- 1 (4) [u]sing deceptive representations or designations of
 2 geographic origin in connection with goods or services;
 3 (5) [r]epresenting that goods or services have sponsorship,
 4 approval, characteristics, ingredients, uses, benefits, or
 5 quantities which they do not have or that a person has a
 6 sponsorship, approval, status, affiliation, or connection
 7 which he or she does not have;
 8 (7) [r]epresenting that goods or services are of a particular
 9 standard, quality, or grade...; [and]
 10 (9) [a]dvertising goods or services with intent not to sell
 11 them as advertised.

12 152. Defendant failed to comply with Civil Code Section 1770(a)(2), (4), (5), (7)
 13 and (9) by falsely advertising, marketing, promoting and selling the Product as: (1)
 14 containing certain hair and scalp benefits, including dandruff relief, hair growth, and
 15 increased circulation and oxygenation to the scalp and (2) having anti-inflammatory
 16 and anti-fungal benefits; and also falsely advertising, marketing, promoting, labeling
 17 and selling the Class Products (including the Product) as being (3) made from natural
 18 ingredients and (4) “Made in the USA.”

19 153. Plaintiff further alleges that Defendant committed these acts knowing the
 20 harm that would result to Plaintiff and Defendant engaged in such unfair and
 21 deceptive conduct notwithstanding such knowledge.

22 154. Defendant knew or should have known that its representations about the Class
 23 Products as described herein violated federal rules and state laws, including
 24 consumer protection laws, and that these statements would be relied upon by
 25 Plaintiff and Class members.

26 155. As a direct and proximate result of Defendant’s violations of Cal. Civ. Code
 27 §§ 1750, *et seq.*, Plaintiff and each Class member have suffered harm by paying
 28 money to Defendant for the Class Products, which they would not have purchased
 had they known the products were illegally, unfairly, and deceptively labeled and
 contained foreign ingredients.

1 156. Plaintiff and the Class suffered monetary harm caused by Defendant because
2 (a) they would not have purchased the Class Products on the same terms absent
3 Defendant's illegal, unfair and deceptive conduct as set forth herein; (b) they paid a
4 price premium for the Class Products or chose them over competing products due to
5 Defendant's misrepresentations and deceptive packaging and marketing, and (c) the
6 Class Products lack the benefits they purported to have and contain foreign
7 ingredients and components which were not clearly and adequately disclosed.

8 157. Plaintiff was therefore harmed because Plaintiff's money was taken by
9 Defendant as a result of Defendant's false representations set forth on online, in
10 marketing materials, and on the labels of the Class Products.

11 158. Plaintiff and Class members reasonably relied upon Defendant's
12 representations regarding the Class Products, and Plaintiff and the Class reasonably
13 expected that the Class Products would not be illegally marketed, advertised, and/or
14 labeled in an unfair, deceptive and misleading manner.

15 159. Thus, Plaintiff and the Class reasonably relied to their detriment on
16 Defendant's misleading representations.

17 160. Pursuant to California Civil Code § 1782(a), on or about September 5, 2024,
18 Plaintiff sent Defendant a notice and demand for corrective action ("CLRA
19 Demand"), via Certified Mail, advising Mielle of its violations of the CLRA and
20 demanding that it cease and desist from such violations and make full restitution by
21 refunding the monies received therefrom.

22 161. As the alleged violations were not cured by Mielle within 30 days of the
23 CLRA Demand, Plaintiff, on behalf of herself and the Class, also seeks damages and
24 attorneys' fees pursuant to California Civil Code § 1782(d).

25 162. As a direct and proximate result of Defendant's violations of the CLRA,
26 Plaintiff and members of the Class are entitled to a declaration that Defendant
27 violated the Consumer Legal Remedies Act.
28

1 163. Under Cal. Civ. Code § 1780(a) and (b), Plaintiff and the putative Class are
 2 entitled to, and seek injunctive relief prohibiting such conduct in the future as well
 3 as damages.

4 164. Attached hereto as **Exhibit A** is a sworn declaration from Plaintiff pursuant
 5 to Cal. Civ. Code § 1780(d).

6
 7 **SECOND CAUSE OF ACTION**
 8 **VIOLATIONS CALIFORNIA'S UNFAIR COMPETITION LAW ("UCL")**
 9 **(Cal. Bus. & Prof. Code §§ 17200, *et seq.*)**

10 165. Plaintiff re-alleges and incorporates by reference all of the above paragraphs
 of this Complaint as though fully stated herein.

11 166. Plaintiff brings this claim individually and on behalf of the Class for
 12 Defendants' violations of California's Unfair Competition Law, Cal. Bus. & Prof.
 13 Code §§ 17200, *et seq.*

14 167. Plaintiff and Defendant are each "person[s]" as defined by California
 15 Business & Professions Code § 17201.

16 168. California Business & Professions Code § 17204 authorizes a private right of
 17 action on both an individual and representative basis.

18 169. "Unfair competition" is defined by Business and Professions Code Section §
 19 17200 as encompassing several types of business "wrongs," four of which are at
 20 issue here: (1) an "unlawful" business act or practice, (2) an "unfair" business act or
 21 practice, (3) a "fraudulent" business act or practice, and (4) "unfair, deceptive, untrue
 22 or misleading advertising."

23 170. The definitions in § 17200 are drafted in the disjunctive, meaning that each of
 24 these "wrongs" operates independently from the others.

25 171. By and through Defendant's conduct alleged in further detail above and
 26 herein, Defendants engaged in conduct which constitutes unlawful, unfair, and/or
 27 fraudulent business practices prohibited by Bus. & Prof. Code § 17200, *et seq.*
 28

A. “Unlawful” Prong

172. Beginning at a date currently unknown through the time of this Complaint, Defendant has committed acts of unfair competition, including those described above, by engaging in a pattern of “unlawful” business practices, within the meaning of Bus. & Prof. Code § 17200 *et seq.*

173. Defendant is alleged to have violated California law by falsely advertising, marketing, promoting and selling the Product as: (1) containing certain hair and scalp benefits, including dandruff relief, hair growth, and increased circulation to the scalp and (2) having anti-inflammatory and anti-fungal benefits; and also falsely advertising, marketing, promoting, labeling and selling the Class Products (including the Product) as being (3) made from natural ingredients and (4) “Made in the USA.”

174. Specifically, by manufacturing, distributing, and/or marketing Defendant’s Class Products with unfair and deceptive claims, Defendant violates, at a minimum, the CLRA, FAL, California’s Made in the USA Statute, Bus. & Prof. Code §§ 17533.7; and/or the federal Made in USA Labeling Rule, 16 C.F.R. Part 323, as well as 201(g)(1)(B) of the Federal Food, Drug and Cosmetic Act.

175. Defendant falsely represents that Class Products are “Made in the USA” without clear and adequate qualification, despite the fact that they contain foreign sourced, grown or manufactured ingredients and/or components.

176. Defendant also falsely represents that the Product contains certain hair and scalp benefits, including dandruff relief, hair growth, and increased circulation to the scalp and has anti-inflammatory and anti-fungal benefits, despite lacking proper scientific evidence and proper instructions to back up these claims as well as failing to receive FDA approval.

177. Additionally, Defendant claims the Class Products are “natural” yet they contain chemicals and/or synthetically created ingredients that are in no way natural.

1 178. Defendant has other reasonably available alternatives to further its business
2 interests, other than the unlawful conduct described herein, such as truthfully and
3 lawfully advertising, marketing and labeling its Class Products.

4 179. Instead, Defendant deliberately and illegally misled consumers for
5 Defendant's own economic gain.

6 180. Plaintiff and Class members reserve the right to allege other violations of law,
7 which constitute other unlawful business practices or acts, as such conduct is
8 ongoing and continues to this date.

9
10 **B. "Unfair" Prong**

11 181. Beginning at a date currently unknown and continuing up through the time of
12 this Complaint, Defendant has committed acts of unfair competition that are
13 prohibited by Bus. & Prof. Code section 17200, *et seq.*

14 182. Defendant engaged in a pattern of "unfair" business practices that violate the
15 wording and intent of the statutes by engaging conduct and practices that threaten
16 an incipient violation of law/s or violate the policy or spirit of law/s by
17 manufacturing, distributing, and/or marketing Defendant's products with unfair and
18 deceptive claims.

19 183. Additionally, Defendant engaged in a pattern of "unfair" business practices
20 that violate the wording and intent of the aforementioned statute/s by engaging in
21 practices that are immoral, unethical, or unscrupulous, the utility of such conduct, if
22 any, being outweighed by the alleged harm done to consumers and against public
23 policy by manufacturing, distributing, and/or marketing Defendant's Class Products
24 with unfair and deceptive claims.

25 184. Defendant also engaged in a pattern of "unfair" business practices that violate
26 the wording and intent of the above mentioned statute/s by engaging in practices,
27 including manufacturing, distributing, marketing, and/or advertising Defendant's
28 products with unfair and deceptive claims, wherein: (1) the injury to the consumer

1 was substantial; (2) the injury was not outweighed by any countervailing benefits to
2 consumers or competition; and (3) the injury was not one that consumers could have
3 reasonably avoided themselves.

4 185. Without limitation, Defendant's knowing mislabeling and false and unlawful
5 marketing of the Class Products constitutes an unfair and deceptive business act or
6 practice, leading consumers to believe they are purchasing a product made in the
7 United States without foreign or synthetic ingredients, and/or that has anti-
8 inflammatory and anti-fungal properties, combats dandruff, and promotes hair
9 growth by increasing blood circulation.

10 186. Plaintiff could not have reasonably avoided the resulting injury.

11 187. Plaintiff reserves the right to allege further conduct that constitutes other
12 unfair business acts or practices.

13
14 ***C. "Fraudulent" Prong***

15 188. Defendant violated the "fraudulent" prong of the UCL by misleading Plaintiff
16 and the Class to believe that the Class Products and/or all its ingredients were made
17 in the United States.

18 189. Particularly, the Class Products, including the Product Plaintiff purchased on
19 January 12, 2024, are falsely represented as: (1) "Made in the USA" without clear
20 and adequate qualification, despite the fact that they contain foreign sourced, grown
21 or manufactured ingredients and/or components and (2) "natural" yet they contain
22 chemicals and/or synthetically created ingredients that are in no way natural.

23 190. Defendant also falsely represents that the Product contains certain hair and
24 scalp benefits, including dandruff relief, hair growth, and increased circulation to
25 the scalp and has anti-inflammatory and anti-fungal benefits, despite lacking proper
26 scientific evidence and proper instructions to back up these claims as well as failing
27 to receive FDA approval or follow FDA regulations with respect to the
28 aforementioned claims.

191. Relying on Defendant's misrepresentations, Plaintiff purchased the Product.

192. Like Plaintiff, Class members purchased the Class Products in reliance on Defendant's misrepresentations.

193. Plaintiff and the Class are not sophisticated experts in ingredient sourcing, product labeling, marketing practices, and/or FDA regulations governing the Class Products.

194. They acted reasonably in purchasing the Class Products based on their belief that Defendant's representations were truthful and lawful.

195. Plaintiff reserves the right to allege additional conduct that constitutes further fraudulent business acts or practices.

D. "Unfair, Deceptive, Untrue or Misleading Advertising" Prong

196. In addition, Defendant's advertising is unfair, deceptive, untrue or misleading in that consumers are led to believe that the Class Products are: (1) "Made in the USA" and (2) made of "natural" ingredients. Defendant also falsely represents that the Product contains certain hair and scalp benefits, including dandruff relief, hair growth, and increased circulation to the scalp and has anti-inflammatory and anti-fungal benefits, despite lacking proper scientific evidence and proper instructions to back up these claims as well as failing to receive FDA approval or follow FDA regulations with respect to the aforementioned claims.

197. Plaintiff, a reasonable consumer, and the public would likely be, and, in fact were, deceived and misled by Defendant's advertising as they would, and did, interpret the representations in accord with their ordinary usage.

198. Additionally, Defendant's advertising is unfair, deceptive, and misleading, as it leads consumers to believe that the Class Products are "Made in the USA", despite containing foreign-sourced, grown, and/or manufactured ingredients and/or components.

199. Plaintiff reserves the right to allege additional conduct that constitutes further

1 unfair, deceptive, untrue or misleading advertising.

2 200. Plaintiff and the Class lost money or property as a result of Defendant's UCL
3 violations because, at a minimum: (a) they would not have purchased the Class
4 Products on the same terms absent Defendant's illegal conduct as set forth herein,
5 or if the true facts were known concerning Defendant's representations; (b) they
6 paid a price premium for the Class Products due to Defendant's alleged
7 misrepresentations; and (c) the Class Products did not have the U.S. sourced, natural
8 ingredients, hair and scalp benefits and anti-inflammatory and anti-fungal benefits
9 as represented.

10 201. Defendant's alleged unlawful and unfair business practices and unfair,
11 deceptive, untrue or misleading advertising presents a continuing threat to the
12 Plaintiff, the Class, and the public in that Defendant continues to engage in unlawful
13 conduct resulting in harm to consumers.

14 202. Such acts and omissions by Defendant are unlawful and/or unfair and
15 constitute a violation of Business & Professions Code §§ 17200, *et seq.* Plaintiff
16 reserves the right to identify additional violations by Defendant as may be
17 established through discovery.

18 203. As a direct and proximate result of the aforementioned acts and
19 representations described above and herein, Defendant received and continues to
20 receive unearned commercial benefits at the expense of their competitors and the
21 public.

22 204. As a direct and proximate result of Defendant's unlawful, unfair and
23 fraudulent conduct described herein, Defendant has been and will continue to be
24 enriched by the receipt of ill-gotten gains from customers, including Plaintiff, who
25 unwittingly provided money to Defendant based on its representations.

26 205. Plaintiff was harmed because Plaintiff's money was taken by Defendant as a
27 result of Defendant's misleading representations regarding the Class Products.
28

206. The conduct of Defendant as set forth above demonstrates the necessity for granting injunctive relief restraining such and similar acts of unfair competition pursuant to California Business and Professions Code.

207. Unless enjoined and restrained by order of the court, Defendant will retain the ability to, and may engage in, said acts of unfair competition, and misleading advertising.

208. As a result, Plaintiff and the Class are entitled to injunctive and monetary relief.

209. Plaintiff wants to purchase the Class Products again but cannot be certain that she would not be misled again in the future unless and until Defendant makes appropriate changes to its Class Products' labeling and marketing as is requested herein.

210. Pursuant to Bus. and Prof. Code § 17203, Plaintiff and the proposed Class are entitled to, and hereby seek, injunctive relief to prevent Defendant from continuing the conduct in question.

211. Additionally, Plaintiff seeks public injunctive relief regarding Defendant's marketing and sale of Class Products represented as "Made in the USA" without clear and adequate qualification.

212. In prosecuting this action for the enforcement of important rights affecting the public interest, Plaintiff seeks the recovery of attorneys' fees and costs pursuant to, *inter alia*, Cal. Civ. Proc. Code § 1021.5.

THIRD CAUSE OF ACTION

VIOLATIONS OF CALIFORNIA'S FALSE ADVERTISING LAW ("FAL") (Cal. Bus. & Prof. Code §§ 17500, *et seq.*)

213. Plaintiff re-alleges and incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

214. California's False Advertising Law ("FAL"), Cal. Bus. & Prof. Code § 17500, states that "[i]t is unlawful for any ... corporation ... with intent ... to dispose

1 of ... personal property ... to induce the public to enter into any obligation relating
 2 thereto, to make or disseminate or cause to be made or disseminated ... from this
 3 state before the public in any state, in any newspaper or other publication, or any
 4 advertising device, or by public outcry or proclamation, or in any other manner or
 5 means whatever, including over the Internet, any statement...which is untrue or
 6 misleading and which is known, or which by the exercise of reasonable care should
 7 be known, to be untrue or misleading....”

8 215. Defendant’s material misrepresentations and omissions alleged herein violate
 9 Bus. & Prof. Code § 17500, *et seq.* Defendant knew or should have known that its
 10 misrepresentations and omissions were false, deceptive, and misleading.

11 216. Plaintiff and the Class suffered tangible, concrete injuries in fact as a result
 12 of Defendant’s actions as set forth herein because they purchased the Class Products
 13 in reliance on Defendant’s misrepresentations.

14 217. As a result, pursuant to Cal. Bus. & Prof. Code § 17535, Plaintiff and
 15 members of the Class are entitled to injunctive and equitable relief and restitution.

16 218. Further, Plaintiff and the members of the Class seek an order requiring
 17 Defendant to disclose such misrepresentations and additionally request an order
 18 awarding Plaintiff restitution of the money wrongfully acquired by Defendant by
 19 means of said misrepresentations.

20 219. Additionally, Plaintiff seeks an order requiring Defendant to pay attorneys’
 21 fees pursuant to, *inter alia*, Cal. Civ. Proc. Code § 1021.5.

22
 23 **FOURTH CAUSE OF ACTION**
 24 **Breach of Express Warranty**

25 220. Plaintiff re-alleges and incorporates by reference all of the above paragraphs
 26 of this Complaint as though fully stated herein.

27 221. From an unknown date until the filing of this Complaint, Defendant
 28 represented to Plaintiff and similarly situated individuals, through product

1 packaging and marketing materials, that the Class Products are: (1) “Made in the
2 USA” and (2) made of “natural” ingredients. Defendant also represented that the
3 Product contains certain hair and scalp benefits, including dandruff relief, hair
4 growth, and increased circulation to the scalp and has anti-inflammatory and anti-
5 fungal benefits. These representations regarding the Class Products constitute
6 affirmations of fact.

7 222. Defendant’s explicit claims that the Class Products are: (1) “Made in the
8 USA” and (2) made of “natural” ingredients; and that the Product (3) contains
9 certain hair and scalp benefits, including dandruff relief, hair growth, and increased
10 circulation to the scalp and (4) has anti-inflammatory and anti-fungal benefits, all
11 pertain directly to the nature, ingredients, benefits and composition of the products,
12 forming a fundamental part of the bargain between Defendant and purchasers.

13 223. Defendant’s statements—featured prominently on the Class Products’ labels
14 and in their marketing and advertising—constitute an express warranty regarding
15 the products’ origin, ingredients, hair and scalp benefits and anti-inflammatory and
16 anti-fungal benefits.

17 224. Relying on these express warranties, Plaintiff and Class members purchased
18 the Class Products, believing these warranties.

19 225. Defendant breached its express warranties because: (1) the Class Products
20 contained foreign-sourced, grown, or manufactured ingredients and/or components
21 that were not clearly and adequately disclosed; (2) the Class Products contain
22 synthetic and/or chemically derived ingredients that are not natural in any way; and
23 (3) the Class Products do not provide the misleadingly and unlawfully represented
24 hair and scalp benefits, including hair growth, increased circulation, scalp
25 oxygenation, and anti-inflammatory and anti-fungal effects.

26 226. As a result of Defendant’s breach, Plaintiff and Class members suffered harm
27 and are entitled to recover either the full purchase price of the Class Products or the
28

1 difference between their actual value and the value they would have held if
2 Defendant's representations were lawful and true.

3 227. Plaintiff and Class members did not receive the benefit of their bargain and
4 sustained additional injuries as alleged herein.

5 228. Had Plaintiff and Class members known the true nature of the Class Products,
6 they either would not have purchased the products or would not have paid the price
7 Defendant charged.

8 229. Defendant's misrepresentations were a substantial factor in causing Plaintiff
9 and the Class economic harm.

10
11 **FIFTH CAUSE OF ACTION**
12 **Unjust Enrichment**

13 230. Plaintiff pleads this unjust enrichment cause of action in the alternative to
14 any contract-based claims.

15 231. Plaintiff re-alleges and incorporates by reference all of the above paragraphs
16 of this Complaint as though fully stated herein.

17 232. Under California law, the elements of unjust enrichment are receipt of a
18 benefit and unjust retention of the benefit at the expense of another.

19 233. Plaintiff and members of the Class conferred non-gratuitous benefits upon
20 Defendant by purchasing the Class Products, which Defendant falsely represented
21 regarding their origin, ingredients, and benefits.

22 234. Plaintiff and members of the Class allege that Defendant owes them money
23 for the conduct alleged herein that was unjustly obtained.

24 235. An undue advantage was taken from Plaintiff's and members of the Class's
25 lack of knowledge of the deception, whereby money was extracted to which
26 Defendant had no legal right.
27
28

1 236. Defendant is therefore indebted to Plaintiff and members of the Class in a
2 sum certain, specifically the amount of money each of them paid for the Class
3 Products, which Defendant in equity and good conscience should not retain.

4 237. Defendant is therefore liable to Plaintiff and members of the Class in the
5 amount unjustly enriched.

6 238. Defendant's retention of any benefit collected directly and indirectly from
7 Plaintiff and members of the Class violates principles of justice, equity, and good
8 conscience.

9 239. As a result, Defendant has been and continues to be unjustly enriched.

10 240. Plaintiff and the Class are entitled to recover from Defendant all amounts that
11 Defendant has wrongfully and improperly obtained, and Defendant should be
12 required to disgorge to Plaintiff and members of the Class the benefits it has unjustly
13 obtained.

14 241. Defendant accepted or retained such benefits with knowledge that the rights
15 of Plaintiff and members of the Class were being violated for financial gain.

16 242. Defendant has been unjustly enriched in retaining the revenues and profits
17 from Plaintiff and members of the Class, which retention under these circumstances
18 is unjust and inequitable.

19 243. As a direct and proximate result of Defendant's unlawful practices and
20 retention of the monies paid by Plaintiff and members of the Class, Plaintiff and the
21 Class have all suffered concrete harm and injury.

22 244. Defendant's retention of the non-gratuitous benefits on them by Plaintiff and
23 members of the Class would be unjust and inequitable.

24 245. Plaintiff and members of the Class are entitled to seek disgorgement and
25 restitution of wrongful profits, revenue, and benefits conferred upon Defendant in
26 a manner established by this Court.

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SIXTH CAUSE OF ACTION
Negligent Misrepresentation

246. Plaintiff re-alleges and incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

247. Defendant has represented to the public, including Plaintiff and the Class, through its marketing, advertising, labeling and by other means, that the Class Products are: (1) “Made in the USA” and (2) made of “natural” ingredients. Defendant also represented that the Product contains certain hair and scalp benefits, including dandruff relief, hair growth, and increased circulation to the scalp and has anti-inflammatory and anti-fungal benefits. Such representations are false, misleading and/or not approved by the FDA.

248. Plaintiff alleges that Defendant made those representations herein with the intent to induce the public, including Plaintiff and the putative Class members, to purchase the Class Products.

249. Plaintiff and other similarly situated consumers, saw, believed, and relied upon Defendant’s misrepresentations, and purchased Defendant’s Class Products as a result of such reliance.

250. At all times relevant, Defendant made such misrepresentations alleged herein when Defendant knew or should have known such representations were inaccurate and misleading.

251. As a direct and proximate result of Defendant’s negligent misrepresentations, Plaintiff and similarly situated consumers were induced to purchase Defendant’s Class Products, purchase more of them, pay a higher price, or choose them over competitors’ products.

252. These unlawful, unfair, and deceptive acts caused damages in an amount to be determined at trial during the Class Period.

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SEVENTH CAUSE OF ACTION
Intentional Misrepresentation

253. Plaintiff re-alleges and incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

254. Beginning at a date currently unknown and continuing to the time of the filing of this Complaint, Defendant knowingly represented to Plaintiff and others similarly situated, through product labeling and marketing practices, that the Class Products are: (1) “Made in the USA” and (2) made of “natural” ingredients. Defendant also represented that the Product contains certain hair and scalp benefits, including dandruff relief, hair growth, and increased circulation to the scalp and has anti-inflammatory and anti-fungal benefits. Such representations are false, misleading and/or not approved by the FDA.

255. Defendant acted intentionally by willfully and purposefully disseminating misrepresentations about the Class Products through labeling, online and offline marketing, advertising, and social media.

256. However, as described above, Defendant’s representations regarding the Class Products are false, unlawful, unfair and/or misleading.

257. Defendant knew such representations regarding the Class Products were false, unfair, unlawful and/or misleading and continued over a period of years to make such representations.

258. Defendant further knew that retailers were advertising its Class Products as in false or misleading ways, because Defendant designed, manufactured, and affixed the product labeling to its Class Products before supplying them to the retailers and also drafted and/or approved the relevant marketing materials

259. Plaintiff and the putative Class members saw, believed, and relied upon Defendant’s representations in making the decision to purchase Defendant’s Class Products.

260. As a proximate result of Defendant's intentional misrepresentations, Plaintiff and the putative Class members were damaged in an amount to be determined at trial.

261. By engaging in the acts described above, Defendant's actions entitle Plaintiff and the putative Class to recover exemplary or punitive damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief and judgment against Defendant as follows, seeking equitable relief in the alternative to legal relief:

- Certification of this action as a class action;
- Appointment of Plaintiff as Class Representative;
- Appointment of Plaintiff's attorneys as Class Counsel;
- That Defendant's wrongful conduct alleged herein be adjudged and decreed to violate the consumer protection statutory claims asserted herein;
- An Order declaring that Defendant's conduct violated the CLRA, California Civil Code §§ 1750, *et seq.*, and awarding injunctive relief pursuant to Cal. Civ. Code § 1780(a) and (b);
- An Order declaring that Defendant's conduct violated California's Unfair Competition Law, California Business & Professions Code §§ 17200, *et seq.*; and awarding injunctive relief pursuant to Bus. & Prof. Code § 17203;
- An Order requiring Defendant to disgorge all monies, revenues, and profits obtained by means of any wrongful act or practice;
- An Order requiring the imposition of a constructive trust and/or disgorgement of Defendant's ill-gotten gains, compelling Defendant to pay restitution to Plaintiff and all members of the Class, and to restore to Plaintiff and Class members all funds acquired through any act or practice declared by this Court to be unlawful, fraudulent, unfair, or deceptive; in violation of laws, statutes,

or regulations; or constituting unfair competition, along with pre- and post-judgment interest thereon;

- For pre and post-judgment interest on all amounts awarded;
- For an order of restitution and all other forms of equitable monetary relief, as pleaded, including awarding such relief pursuant to Bus. & Prof. Code § 17535; and/or Bus. & Prof. Code § 17203;
- Actual damages under California Civil Code § 1780(a);
- For public injunctive relief as pleaded or as the Court may deem proper;
- That Defendant be enjoined from continuing the wrongful conduct alleged herein and required to comply with all applicable laws;
- Punitive damages including under California Civil Code § 1780(a) and/or Cal. Civ. Code § 3294;
- General and compensatory damages in an amount to be determined at trial;
- That Plaintiff and each of the other members of the Class recover their costs of suit, including reasonable attorneys' fees and expenses pursuant to, *inter alia*, California Code of Civil Procedure § 1021.5 and California Civil Code § 1780; and,
- That Plaintiff and the members of the Class be granted any other relief the Court may deem just and proper.

DEMAND FOR TRIAL BY JURY

262. Plaintiff, individually and on behalf of all others similarly situated, hereby demands a jury trial on all claims so triable.

Dated: February 21, 2025

Respectfully submitted,

KAZEROUNI LAW GROUP, APC

By: /s/ Abbas Kazerounian, Esq.
 Abbas Kazerounian, Esq.
 ATTORNEYS FOR PLAINTIFF